

UNITED STATES DISTRICT COURT

for the

APR 22 2020

Southern District of Texas

David J. Bradley, Clerk

United States of America)
 v.)
 Jose Alejandro LOPEZ) Case No. M-20-0887-M-02
 YOB: 1998 Citizenship: United States)
)
)
)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 27, 2019 to April 20, 2020 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

18 USC Section 554, 2
 18 USC Section 371

Offense Description

Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit: 7.62 x 39 caliber ammunition, as defined by the United States Munitions List, contrary to any law or regulation of the United States, in that the Defendant had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2) and 2778(c) and Title 22, Code of Federal Regulations, Sections 121.1, 123.1, 127.1 and 127.3 all in violation of Title 18, United States Code, Section 554.

This criminal complaint is based on these facts:

See Affidavit

Continued on the attached sheet.

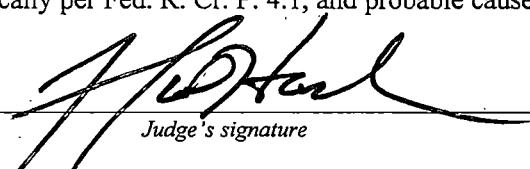
Approved by AUSA Michael
 Mitchell April 22, 2020

/s/ Ryan McTaggart
 Complainant's signature

Ryan McTaggart Special Agent HSI
 Printed name and title

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

Date: 4/22/2020 @ 3:20PM


 J. Scott Hacker
 Judge's signature

City and state: McAllen, Texas

J. Scott Hacker United States Magistrate Judge
 Printed name and title

Affidavit

On October 11, 2019, in response to an administrative subpoena, HSI McAllen received documents from SGAMMO.COM.

A review of those documents revealed the following, in summary:

On August 27, 2019, an online order (#1561378) was placed for three (3) 1000 round cases of 7.62 x 39 caliber ammunition. The order was shipped to Jorge Lopez at 1804 E Business 83 Apartment 311 in Mission, Texas.

On August 30, 2019, an online order (#1563586) was placed for three (3) 1000 round cases of 7.62 x 39 caliber ammunition. The order was shipped to Jorge Lopez at 1804 E Business 83 Apartment 311 in Mission, Texas.

On September 16, 2019, an online order (#1576898) was placed for three (3) 1000 round cases of 7.62 x 39 caliber ammunition. The order was shipped to Jorge Lopez at 1804 E Business 83 Apartment 311 in Mission, Texas.

On September 19, 2019, an online order (#1579350) was placed for five (5) 1000 round cases of 7.62 x 39 caliber ammunition. The order was shipped to Jorge Lopez at 1804 E Business 83 Apartment 311 in Mission, Texas.

On September 23, 2019, an online order (#1582280) was placed for five (5) 1000 round cases of 7.62 x 39 caliber ammunition. The order was shipped to Jose LOPEZ (hereafter referred to as LOPEZ) at 1217 Laredo Street in Mission, Texas. The customer provided 956-529-7199 as a valid contact number and lopezalexjose@hotmail.com as a valid email address.

On October 4, 2019, an online order (#1590161) was placed for two (2) 1000 round cases of .38 super ammunition and two (2) 1000 round cases of 9mm Luger ammunition. The order was shipped to Jorge Lopez at 1804 E Business 83 Apartment 311 in Mission, Texas.

On October 6, 2019, an online order (#1591542) was placed for eight (8) 500 round cases of 7.62 x 39 caliber ammunition and two (2) 1000 round cases of .38 super ammunition. The order was shipped to LOPEZ at 1217 Laredo Street in Mission, Texas. The customer provided 956-529-7199 as a valid contact number and lopezalexjose@hotmail.com as a valid email address.

On April 20, 2020, Customs and Border Protection Officers (CBPOs) working outbound operations at the Hidalgo, Texas, Port of Entry encountered Jorge Lopez, the driver and sole occupant of a vehicle bearing Texas license plates, as Jorge Lopez was attempting to travel from the United States into Mexico.

Jorge Lopez was selected for an outbound inspection by CBPOs and during secondary inspection CBPOs located three (3) 9MM magazines concealed on Jorge Lopez person.

On April 20, 2020, under rights advisement and waiver, Jorge Lopez identified 1804 E Business 83 Apartment 311 in Mission, Texas, as the address Jorge Lopez stayed at when Jorge Lopez

Affidavit

was in the United States and Jorge Lopez stated Jorge Lopez was transporting the magazines from the United States into Mexico

Jorge Lopez stated Jorge Lopez knew it was illegal to transport magazines from the United States into Mexico and Jorge Lopez did not have a valid license to export magazines from the United States into Mexico.

Jorge Lopez was subsequently arrested for violation of 18 USC 554.

On April 22, 2020, HSI SAs, HSI TFOs, and Texas DPS SAs, encountered Jose LOPEZ (hereafter referred to as LOPEZ) during the execution of a Federal Search Warrant at the address identified by Jorge Lopez in Mission, Texas.

LOPEZ agreed to speak with SAs at the HSI McAllen Office and, at the office, under rights advisement and waiver, LOPEZ stated LOPEZ received multiple packages addressed to Jorge Lopez at 1804 E Business 83 Apartment 311 in Mission, Texas, and after receiving the packages LOPEZ would open the packages, confirm their contents and then contact Jorge Lopez, in Mexico, to advise the packages had been received and what the contents of the packages were.

LOPEZ stated the packages typically contained ammunition and magazines.

LOPEZ stated after Jorge Lopez picked up the packages from LOPEZ, Jorge Lopez, or an additional co-conspirator, would smuggle the items from the United States into Mexico.

LOPEZ stated LOPEZ purchased approximately 5,000 rounds of 7.62 x 39 caliber ammunition from SGAMMO.com, at the direction of Jorge Lopez, and after the ammunition had been received by LOPEZ, LOPEZ turned the ammunition over to Jorge Lopez and the ammunition was smuggled into Mexico.

LOPEZ stated LOPEZ received approximately \$200.00 USD for purchasing the ammunition from Jorge Lopez.

LOPEZ stated LOPEZ knew it was illegal to smuggle ammunition and magazines from the United States into Mexico.

According to the Department of State, Office of Defense Trade Controls Compliance (DTCC), 7.62 x 39 caliber ammunition is determined to be a defense article described on the United States Munitions List (USML) and regulated for export pursuant to the Arms Export Control Act (22 U.S.C. 2778).